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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TATYANA SHEVTSOV; et al.,

Plaintiffs - Appellants,

v.

LOS ANGELES COMMUNITY
COLLEGE DISTRICT; et al.,

Defendants - Appellees.

No. 04-56577

D.C. No. CV-96-02834-CBM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, Chief Judge, Presiding

Submitted June 12, 2006 ^{**}

Before: WALLACE, KLEINFELD, and BERZON, Circuit Judges.

Tatyana Shevtsov and her husband Vladimir Shevtsov appeal pro se from the district court's summary judgment in favor of defendants in their civil rights

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

action arising from alleged national origin discrimination. We have jurisdiction under 28 U.S.C. § 1291. We review a grant of summary judgment de novo. *FDIC v. Henderson*, 940 F.2d 465, 471 (9th Cir. 1991). We affirm.

An equal protection claim requires a showing that “the defendant acted in a discriminatory manner and that the discrimination was intentional.” *Id.* The district court properly granted summary judgment on Tatyana Shevtsov’s equal protection claims because she failed to produce evidence sufficient to raise a genuine issue of material fact as to the motivations of any of the defendants. *Id.* The district court properly granted summary judgment on her First Amendment claim because Tatyana Shevtsov failed to raise a genuine issue of material fact regarding whether the conduct of any of the defendants would chill a person of ordinary firmness from exercising her First Amendment rights. *See Mendocino Environmental Center v. Mendocino County*, 192 F.3d 1283, 1300 (9th Cir. 1999).

Similarly, Vladimir Shevtsov failed to raise an issue of material fact regarding his First Amendment retaliation claims. *See id.* In addition, Vladimir Shevtsov produced no evidence that defendants Walter or Winston knew that he had advocated on his wife’s behalf. *See Keyser v. Sacramento City Unified Sch. Dist.*, 265 F.3d 741, 751 (9th Cir. 2001). The district court also properly concluded that Vladimir Shevtsov could not bring a 42 U.S.C. § 1983 claim based

on an alleged violation of the Higher Education Act, 20 U.S.C. § 1070 et seq. *See Gonzaga University v. Doe*, 536 U.S. 273, 285-86 (2002) (“[W]here the text and structure of a statute provide no indication that Congress intends to create new individual rights, there is no basis for a private suit, whether under § 1983 or under an implied right of action.”).

Appellants’ remaining contentions are unpersuasive.

AFFIRMED.